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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

Cynthia L. Czuchaj, a California  
 resident; Angelique Mundy, a  
 Pennsylvania resident; Barbara  
 McConnell, a Michigan resident; and  
 Patricia Carter, a New York resident,  
 individually and on behalf of themselves  
 and all others similarly situated,

Plaintiffs,

vs.

Conair Corporation, a Delaware  
 corporation; and DOES 1 through 10,  
 inclusive,  
 Defendants.

CASE NO. 13CV01901 BEN (RBB)

**CLASS ACTION**

**DECLARATION OF BRIAN D.  
 CHASE IN SUPPORT OF  
 PLAINTIFFS' MOTION FOR AN  
 ORDER GRANTING PRELIMINARY  
 APPROVAL OF CLASS ACTION  
 SETTLEMENT**

Date: December 5, 2016  
 Time: 10:30 a.m.  
 Judge: Hon. Roger T. Benitez  
 Place: Courtroom 5A  
 221 West Broadway  
 San Diego, CA 92101

1 I, Brian D. Chase, declare and state as follows:

2 1. I am an attorney at law duly licensed to practice before all state courts  
3 in California and have been admitted to practice before the United States Supreme  
4 Court, United States Court of Appeals 9th Circuit, United States District Court for  
5 the Central, Eastern, Southern and Northern Districts of California. I am the  
6 managing partner for the law firm of Bisnar | Chase LLP, who, along with Odenbreit  
7 Law, APC and Cohelan Khoury & Singer, are attorneys of record for Plaintiffs and  
8 the Class.

9 2. The matters set out herein are based upon my own personal knowledge  
10 as developed through my representation of the Class, investigation, and discovery in  
11 this action. If called upon as a witness I would and could competently testify to those  
12 matters contained in this declaration.

13 3. I graduated from Pepperdine University School of Law where I  
14 obtained my Juris Doctorate in May 1992. While there, I was an associate editor of  
15 the Pepperdine Law Review, and had two articles published in the law review. I  
16 became a member of the California State Bar in December 1993. Upon graduation, I  
17 started work as an attorney at my current firm which was known as Bisnar &  
18 Associates. In 1998, I became a shareholder in the firm which was renamed Bisnar |  
19 Chase LLP.

20 4. I am a past president of the Consumer Attorneys of California  
21 (“CAOC”). I am a past president of the Orange County Trial Lawyers Association  
22 (“OCTLA”). I am on the current board of directors of a national auto products  
23 liability organization known as the Attorneys Information Exchange Group  
24 (“AIEG”) and have been on that board for the past 10 years. I am a member of the  
25 American Board of Trial Advocates (“ABOTA”). In 2004 and 2015, I received the  
26 Products Liability Trial Lawyer of the Year Award from the OCTLA. In 2012, I  
27 received the Consumer Attorney of the Year award from the CAOC. In 2012, I was  
28 a Trial Lawyer of the Year nominee for the Consumer Attorneys Association of Los

1 Angeles (“CAALA”).

2 5. I have tried to verdict in excess of 30 jury trials in both state and federal  
3 court. I am acutely aware of the costs and benefits of litigation, and specifically, the  
4 uncertainties of trial.

5 6. In addition to trial experience, my firm has extensive experience in  
6 complex matters including Multidistrict Litigation (“MDL”), consumer, and  
7 employment class actions. My firm has been appointed as class counsel or co-lead  
8 class counsel in numerous class actions.

9 7. My firm also has a long history of success against large manufacturers  
10 in complex product-liability actions arising from products that have either been  
11 defectively designed or manufactured, and have recovered in excess of \$250,000,000  
12 for our clients. A very small sampling of these cases include, but are not limited to,  
13 the following:

14 a. *Romine v. Nissan Motor Co., Ltd., et al.*, Los Angeles Superior Court,  
15 Case No. 386031, \$24,744,764 jury verdict in seat back defect case,  
16 successfully upheld on appeal (resulting in a published opinion) and  
17 resisted Petition for Review to the California Supreme Court;

18 b. *Mares, et al. v. Chrysler Group, LLC*, Los Angeles Superior Court,  
19 Case No. 386031, \$915,000.00 jury verdict in gas tank design defect  
20 case (successfully upheld on appeal (unpublished opinion) and resisted  
21 Petition for Review);

22 c. *Levesque v. Ford Motor Company, et al.*, Los Angeles Superior Court,  
23 Case No. BC313548, defective side curtain air bag, occupant restraints,  
24 handling, stability and roof crush [confidential settlement after hung  
25 jury at trial];

26 d. *Bardonner v. Suzuki, et al.*, Orange County Superior Court, Case No.  
27 30-2008-00109180, as to second trial in front of Hon. Gail A. Andler,  
28 defective side curtain air bag, handling, stability and occupant restraints

- 1 [confidential settlement];
- 2 e. *Rittenberg v. General Motors, et al.*, United States District Court,
- 3 District of South Carolina, Charleston Division, Case No. 2:04-22156-
- 4 23, defective occupant restraints and roof crush [confidential
- 5 settlement];
- 6 f. *Obediente v. Toyota Motors Co., et al.*, Los Angeles Superior Court,
- 7 Case No. YC 060158, defective handling and stability [confidential
- 8 settlement];
- 9 g. *Colonna v. Porsche AG, et al.*, Riverside County Superior Court, Case
- 10 No. RIC 449128, defective occupant restraints and defective sun roof
- 11 [confidential settlement of wrongful death claim];
- 12 h. *Gil v. Ford Motor Company, et al.*, United States District Court,
- 13 Northern District of West Virginia, Case No. 1:06-CV-122, defective
- 14 handling, stability and occupant restraints [confidential wrongful death
- 15 settlement];
- 16 i. *Pheam v. Land Rover, et al.*, Los Angeles Superior Court, Case No. BC
- 17 329775, defective handling, stability and occupant restraints
- 18 [confidential settlement of wrongful death and personal injury claims];
- 19 j. *Thayer v. Subaru, et al.*, Orange County Superior Court, Case No. 30-
- 20 2008-0019807, defective handling, stability and occupant restraints
- 21 [confidential settlement of child's wrongful death claims for death of
- 22 her mother];
- 23 k. *Sleight v. Ford Motor Company, et al.*, Superior Court for the State of
- 24 Arizona, County of Pima, Case No. C20054479, defective seat
- 25 [wrongful death and several personal injuries, confidential settlement];
- 26 l. *Collins v. Ford Motor Company, et al.*, Riverside Superior Court, Case
- 27 No. RIC 361201, defective seat [wrongful death of daughter,
- 28 confidential settlement];

1 m. *Newton v. General Motors, et al.*, Riverside County Superior Court,  
2 Case No. 341918, defective occupant restraints and roof crush  
3 [confidential settlement of personal injury claims]; and

4 n. *Dennis v. The Coleman Company, et al.*, Orange County Superior Court  
5 Case No. 30-2007 00100173, defective heater [confidential settlement  
6 of personal injury claims].

7 8. My firm is well-regarded and highly experienced in product defect and  
8 class action litigation, and is qualified to represent and protect the interests of  
9 Plaintiffs and the members of the Settlement Class.

10 9. My firm, along with co-counsel who themselves are highly regarded  
11 class action attorneys, have diligently litigated this case and have devoted a  
12 substantial amount of time, resources and costs for over three years.

13 10. On August 23, 2016, the parties participated in a lengthy, contentious  
14 day of mediation before noted mediator the Hon. Leo Papas (Ret.). Based on my  
15 experience in similar cases, our pre-mediation discovery and investigation provided  
16 us with ample information to analyze both the substantive factual and legal merits of  
17 the claims of Plaintiffs and the Class, as well as the potential damages and penalties  
18 flowing from those claims.

19 11. The Parties were able to reach an agreement at the mediation. The  
20 negotiations were at arm's-length, professional while being contentious, and  
21 required substantial compromise by both sides. The end result of this negotiation  
22 was the agreement documented in the Settlement Agreement.

23 12. Considering the legal hurdles facing the class claims, the inherent  
24 uncertainty of any trial, the likelihood of an appeal regardless of the outcome, and  
25 the lengthy time an appeal could be decided, this relief is more than adequate and  
26 fair - it is a good settlement providing strong consideration to the Settlement Class.

27 13. I believe this settlement is in the best interest of the class, based on our  
28 investigation of the claims and factual bases underlying those claims, the discovery

1 produced and analyzed in this case, the expense, length, and risk of continued  
2 proceedings, the views of the class representatives, my experience with this area of  
3 the law and similar claims, and our extensive negotiations with counsel for  
4 Defendant (who are, themselves, highly respected and experienced defense counsel).

5 I declare under penalty of perjury under the laws of the United States of America  
6 that the foregoing is true and correct. Executed on November 4, 2016 in Newport Beach,  
7 California.

8 /s/ Brian D. Chase  
9 BRIAN D. CHASE

10  
11 **ECF Certification**

12 The filing attorney attests that he has obtained concurrence regarding the  
13 filing of this document from the signatory to this document.

14 Date: November 4, 2016 s/ Jeff Geraci  
15 Jeff Geraci (SBN 151519)  
16 COHELAN KHOURY & SINGER  
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